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March 10, 2022

Via ECF

The Honorable James L. Cott, Magistrate Judge,
United States District Court for the
Southern District of New York,
Daniel Patrick Moynihan United States Courthouse,
500 Pearl Street, Room 1360,
New York, New York 10007-1312.

Re: *In re Application of Alberto Safra for an Order to Take Discovery
for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782,*
Case No. 1:21-mc-640-GHW-JLC

Dear Judge Cott:

I write on behalf of our client Vicky Safra, who has intervened in this action as the executor and administrator of the Estate of Joseph Yacoub Safra, and petitioner Alberto Safra (the “Petitioner”) to jointly seek an additional extension of the current deadline for Ms. Safra and the respondent hospitals and physicians (the “Respondents”) to oppose Petitioner’s application for an order to take discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (the “Application”).

On August 6, 2021, the Court directed (i) Petitioner to serve his Application on the Respondents on or before August 13, 2021, (ii) that any opposition to the Application be served no later than August 27, 2021, and (iii) that Petitioner file his reply, if any, on or by September 3, 2021. (ECF No. 8.) The Court set a hearing on the matter for September 13, 2021. On August 24, the Respondents sought an extension of their time to oppose the Application until September 24, 2021. (ECF No. 11.) The Court granted that request on August 24, and adjourned the scheduled hearing until October 19, 2021. (ECF No. 12.) On September 6, 2021, the Court granted Ms. Safra’s motion to intervene. (ECF No. 23.)

Since that time, Ms. Safra and Petitioner have engaged in ongoing discussions and have sought certain extensions of time for Ms. Safra to respond to the Application to avoid disruption of those discussions. Specifically, on September 24, with the consent of all parties, Ms. Safra sought a 30-day extension for Respondents and Ms.

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Safra to respond to the Application and Petitioner to file a reply. (ECF No. 29.) The Court granted that request on September 24, and adjourned the scheduled hearing until December 21, 2021. (ECF No. 30.) On October 21, 2021, November 22, 2021, January 7, 2022, and February 9, 2022, Ms. Safra and Petitioner jointly sought additional extensions, which the Court granted on the same day each was filed. (ECF Nos. 32 and 33, 35 and 36, 38 and 40, 42 and 43.)

After having conferred, Ms. Safra and Petitioner each believe that a further extension of the deadline for opposing the Application would facilitate their ongoing discussions, and that an extension of forty-five (45) days would best position them to meaningfully advance and hopefully conclude those discussions. We have consulted with counsel for the Respondents, and they have no objection to extending the time to respond to the Petition for another forty-five (45) days. Indeed, as previously indicated to the Court, Petitioner has been in discussions with Respondents concerning the proposed Subpoenas, and Petitioner believes that those discussions, too, would benefit from the requested extension.

Consequently, Ms. Safra and Petitioner respectfully and jointly request that the Court enter the following alternative briefing schedule: (i) Respondents and Ms. Safra will respond to the Application by April 25, 2022; and (ii) Petitioner will reply by May 9, 2022. That schedule is reflected in the previously filed Stipulation and Proposed Order.

Respectfully,

/s/ Matthew J. Porpora
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cc: All Counsel of Record (via ECF)